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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 5th Day of June 1998

BEFORE

THE HON'BLE MR. JUSTICE V.P. MOHAN KUMAR

WRIT PETITION NO.16206/1998

BETWEEN:

Sri. R.V. Chillal,
s/o Vishnu B. Chillal,
aged about 39 years,
Occ: Nil,
r/o. Hongal Chawl,
Sadasivanagar,
Old Hubli,
Dist: Dharwad.

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...PETITIONER

(By Sri. V.S. Shastri, Adv.)

AND:

1. The State of Karnataka,
rep. by its
Secretary to Govt.,
Irrigation Dept.,
M.S. Building,
Bangalore.
2. The Asst. Executive
Engineer, Malaprabha
Right Bank Canal Construction
Sub-division,
No.11, Byahatti,
Taluka Hubli,
Dist. Dharwad.
3. Labour Officer/Assistant
Labour Commissioner and
Reconciliation Officer,
Siddeswara Building,
Vidyanagar, Hubli,
Dist: Dharwad.

...RESPONDENTS

(By Sri. T.P. Nambiar, AGA)

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This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, with a prayer to quash vide Annex-C dt. 6-4-88 by R-3 and etc.

This Writ Petition coming on for preliminary hearing this day, the Court made the following:-

O R D E R

Annexure-C is impugned in this proceedings.

I have heard learned Govt. Advocate as well.

The third respondent as per Annexure-C order

refused to refer the dispute holding that

Irrigation Department is not an industry.

I do not think that Annexure-C is sustainable.

If the third respondent feels that dispute

do not exist he cannot settle the same, the

only remedy open is to submit a failure

report to the Government and the Government

has to pass appropriate orders, as to

whether the dispute should be referred.

I therefore, quash Annexure-C order and direct

the third respondent to act in accordance with

Section 10 of the Industrial Disputes Act and

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pass appropriate orders as regards referring
the dispute if it is not capable of being
conciliated, to the appropriate Court.
Writ Petition disposed of.

Sd/-
JUDGE



ksp/-

bnv/-